

(Adopted: 10/05/79; Amended: 03/07/80; Amended: 07/11/80;
Amended: 09/10/82; Amended: 07/12/85; Amended: 08/01/86;
Amended: 12/02/88; Amended: 06/28/90; Amended: 05/03/91;
Amended: 12/07/95; Amended: _____)

RULE 1302

Definitions

Procedure

(a) ~~ACTUAL EMISSIONS means the emissions of a pollutant from an affected source determined by taking into account actual emission rates and actual or representative production rates (i.e., capacity utilization and hours of operation). [Moved to Proposed Rule 1301(A).]~~

(A) Applicability

- (1) This rule shall apply to all new or Modified Facilities, including EEGFs as defined in District Rule 1301(Y), pursuant to the provisions of District Rule 1306. [Added to allow interface with California Energy Commission procedures as set out in Proposed Rule 1306]

(b) ~~AIR CONTAMINANT means any air pollutant for which there is a national ambient air quality standard, or precursor to such air pollutant, including but not limited to: carbon monoxide, sulfur dioxide, nitrogen oxides, particulate matter, lead compounds and volatile organic compounds. [Moved to Proposed Rule 1301(PPP) "Regulated Air Pollutant".]~~

(B) Applications

(1) Initial Analysis

- (a) Any application for an ATC or modification to a PTO, submitted pursuant to the procedures of District Regulation II, shall be analyzed to determine if such application is complete. [Moved and modified from Rule 1310(a), Sentence 1. Note: Small facilities not subject to BACT or subject to BACT only will be issued permits under Regulation II.]

- (i) An application is complete when it contains enough information to allow all the applicable analysis and calculations required under this Regulation to be made. *[40 CFR 51.160(c), (e) and (f); Moved and modified from Rule 1310(a), Sentence 4.]*
- (ii) Comprehensive Emissions Inventory
 - a. All Facilities shall submit a Comprehensive Emissions Inventory in conjunction with the application. *[Submission required for analysis required by District Rule 1401. See also Proposed Rule 1302(C)(2)(c).]*
 - b. If a Facility has a current approved Comprehensive Emissions Inventory on file with the District such Facility may, upon written approval of the APCO, update the Comprehensive Emissions Inventory to reflect the addition, deletion or modification of all Emission Units affected by the application. *[See LACSD Comment #5 of 9/12/00.]*
 - c. No application may be determined to be complete without a Comprehensive Emissions Inventory or Comprehensive Emission Inventory Update. *[Submission required for analysis required by District Rule 1401. See also Proposed Rule 1302(C)(2)(c).]*
- (iii) Alternative Siting
 - a. Facilities for which an analysis of alternative sites, sizes and production processes is required under 42 U.S.C. §7503(a)(5) (Federal Clean Air Act §173(a)(5)) a complete application shall include an analysis functionally equivalent to that required pursuant to Division 13 of the California Public Resources Code (commencing with section 21000). *[42 U.S.C. §7503(a)(5), FCAA §173(a)(5); Moved and modified from Rule 1303(b)(5)(A) and (B). Specific requirements provided by cross reference to State and Federal laws.]*
 - b. The requirements of subparagraph a. above may be met through compliance with the California Environmental Quality Act (CEQA) by appropriate analysis for statutory exemption, categorical exemption, negative declaration, mitigated negative declaration, or environmental impact report. *[See California Public Resources Code §§21000 et seq.; 14 Cal. Code Reg. 15000 et seq.; Moved and modified from Rule 1303(b)(5)(D)]*

(iv) Class I Area Visibility Protection

- a. An application for a Major Facility or a Facility with a Major Modification which is located within 60 miles of a Class I Area, as defined in 40 CFR 51.301(o), shall include in its application an analysis of any anticipated impacts on visibility within that Class I Area. Such analysis shall include, but is not limited to, an analysis of the factors found in 40 CFR 51.301(a). *[40 CFR 51.301(a), 51.307(a)(1), 51.307(b)(2), 51.307(c); Moved and modified from Rule 1303(b)(5)(C) and Appendix "B".]*

- (b) The APCO shall determine whether the application is complete not later than thirty (30) calendar days after receipt of the application, or after such longer time as both the applicant and the APCO may agree in writing. *[Moved and modified from 1310(a), Sentence 1. See also Health & Safety Code §42301.12 requirements to minimize regulatory burden on Title V sources.]*

- (c) The confidentiality of trade secrets contained in an application shall be considered in accordance with Government Code §6254.7. *[Government Code §6354.7. Moved and modified from 1310(c)(3) Sentence 2.]*

(2) Notifications Regarding Applications

- (a) After the determination of completeness has been made, the APCO shall transmit a written determination of completeness or incompleteness immediately to the applicant at the address indicated on the application. *[Health & Safety Code §§42320 et seq.; Moved and modified from 1310(a), Sentence 1. Conforms with 40 CFR 70.7(a)(4) to allow integration of NSR Documents into Title V permits in the future.]*

- (i) If the application is determined to be incomplete, the determination shall specify which parts of the application are incomplete and how they can be made complete. *[Moved and modified from 1310(a), Sentence 2.]*
- a. Upon receipt by the APCO of information required to render an application complete or upon resubmittal of the entire application, a new thirty (30) day period in which the APCO must determine completeness, shall begin. *[Moved and modified from 1310(a), Sentence 3.]*

- (b) In the alternative, the APCO may complete the issuance of the ATC(s) within the thirty (30) calendar days after receipt of the application so long as either of the following conditions are met: *[Health & Safety Code §§42320 et seq. Added to comply with permit streamlining provisions.]*
 - (i) None of the requirements contained in District Rule 1303 apply to the project; or *[Health & Safety Code §§42320 et seq.]*
 - (ii) The requirements of District Rule 1303(A) applies to the project and the issuance of the ATC(s) comply with the requirements of subsection (C)(2)(a)(ii). *[Health & Safety Code §§42320 et seq.]*
 - (c) If the application contains an analysis of anticipated visibility impacts on a Class I Area, as defined in 40 CFR 51.301(o), pursuant to subsection (B)(1)(a)(iii) above, the APCO shall, within thirty (30) calendar days after receipt of the application, notify USEPA and the Federal Land Manager of the affected Class I Area. *[40 CFR 51.307(a)(1), 51.307(b)(2), 51.307(c).]*
 - (i) The APCO shall include in such notification a copy of the application and the analysis of anticipated impacts on the affected Class I Area. *[40 CFR 51.307(a)(1), 51.307(b)(2), 51.307(c).]*
- (3) Effect of Complete Application
 - (a) After an application is determined to be complete, the APCO shall not subsequently request of an applicant any new or additional information which was not specified in the APCO's list of items to be included within such applications. *[Implements Health & Safety Code §42322(a)(3)]*
 - (b) Notwithstanding the above, the APCO may, during the processing of the application, require an applicant to clarify, amplify, correct or otherwise supplement the information required in such list in effect at the time the complete application was received. *[Implements Health & Safety Code §42322(a)(3)]*
 - (c) A request by the APCO for clarification pursuant to subsection (B)(3)(b) above does not waive, extend, or delay the time limits in this rule for final action on the completed application, except as the applicant and the APCO may both agree in writing. *[Implements Health & Safety Code §42322(a)(3)]*

(4) Fees

- (a) The APCO shall not perform any analysis pursuant to this Regulation unless all applicable fees have been paid. *[Health & Safety Code §42311.]*

~~(c) ALLOWABLE EMISSIONS means the emissions rate of a stationary source calculated using the maximum rated capacity of the source, unless the source is subject to federally enforceable limits which restrict the operation rate, or hours of operation, or both, and the most stringent of the following: (1) the applicable standards set forth in 40 CFR Part 60 or 61; (2) any applicable SIP emissions limitation including those with a future compliance date; or (3) the emissions rate specified as federally enforceable permit conditions including those with a future compliance date. *[Moved to Proposed Rule 1301(E).]*~~

(C) Analysis *[Generally see 40 CFR 51.163.]*

(1) Determination of Emissions

- (a) The APCO shall analyze the application to determine the type, amount, and change (if any) in emissions pursuant to the provisions of District Rule 1304. *[Implements Health & Safety Code §42301(a).]*

(2) Determination of Requirements

- (a) The APCO shall, after the analysis, determine if any or all of the provisions of District Rule 1303 apply to the new or Modified Facility. *[Implements Health & Safety Code §42301(a).]*
- (i) If none of the provisions of District Rule 1303 apply to the new or Modified facility, then the APCO shall commence the issuance of the ATC or modification of the PTO pursuant to the provisions of Regulation II. *[Small facilities with emissions < 25 lbs/day of nonattainment pollutants are issued permits under Regulation II.]*
- (ii) If only the provisions of District Rule 1303(A) apply to the new or Modified Facility, and the application does not utilize SERs to reduce PE then:
- a. The APCO shall commence the issuance of the ATC or modification of the PTO pursuant to the provisions of Regulation II; and.
 - b. The ATC or PTO so issued or modified shall include conditions required to implement BACT on all new or Modified Emissions Unit(s) at the Facility.

[Implements Health & Safety Code §§42301.3 and 42322(a)(3) and (a)(6). Small facilities or equipment with emissions >25 lbs/day of nonattainment pollutants acquire BACT conditions and are issued permits under Regulation II.]

- (iii) If only the provisions of District Rule 1303(A) apply to the new or Modified Facility, and the application utilizes SERs to reduce PE then:
 - a. The APCO shall produce a Facility engineering analysis which contains substantially the same information required for a decision under section (D) below; and
 - b. After the production of the Facility engineering analysis the APCO shall commence the issuance of the ATC or modification of the PTO pursuant to the provisions of Regulation II; and.
 - c. The ATC or PTO so issued or modified shall include conditions required to implement BACT on all new or Modified Emissions Unit(s) at the Facility.

[Implements Health & Safety Code §§42301.3 and 42322(a)(3) and (a)(6). If facility “nets out” of offset requirement by lowering its PE, then a report is produced to document the “net out”, equipment acquires BACT conditions and permits are issued under Regulation II.]

- (iv) If the provisions of District Rule 1303(B) apply to the new or Modified Facility then the APCO shall continue the analysis and issuance procedure as set forth in this Rule. *[Implements Health & Safety Code §§42301.3 and 42322(a)(3) and (a)(6). Full NSR review.]*

- (b) If the provisions of District Rule 1303(B) apply and the new or Modified Facility is located in an area classified by USEPA as attainment or unclassifiable then the APCO shall, after analysis, determine if the Facility will cause or contribute to a violation of the national Ambient Air Quality Standards. *[40 CFR 51.160(a), 51.160(e), and 51.166(d)(2). Moved and modified 1303(b)(1) and Appendix “A”. Allows identification of facilities needing full P.S.D. analysis.]*

- (i) The provisions of section (C)(2)(b) above may be satisfied by performance of appropriate modeling as approved by the APCO. *[Moved and modified 1303(b)(1) and Appendix “A”]*

- (c) The APCO shall also determine if any of the provisions of District Rules 1401 - *New Source Review of Carcinogenic Air Contaminants* or 1402 - *Control of Toxic Air Contaminants from Existing Sources* apply to the new or Modified Facility. *[Provision added to integrate Toxic NSR and Air Toxic “Hot Spots” provisions into the NSR process.]*
 - (i) If any of the provisions of District Rules 1401 or 1402 apply to the new or Modified Facility the APCO shall require the Facility to comply with the applicable provisions of those rules prior to proceeding with any further analysis or processing of an application pursuant to this Regulation. *[Provision added to integrate Toxic NSR and Air Toxic “Hot Spots” provisions into the NSR process.]*
- (3) Determination of Offsets
 - (a) If the provisions of District Rule 1303(B) apply to the new or Modified Facility, then the APCO shall analyze the application to determine the amount and type of Offsets required pursuant to the provisions of District Rule 1305.
 - (i) The APCO shall thereafter notify the applicant in writing of the specific amount and type of Offsets which must be obtained prior to the issuance of the New Source Review Document and any permits. *[Moved and modified from Rule 1313(b), Sentence 3. Note: notification that offsets are required is usually provided within 90 days of the proposed issuance of the NSR document.]*
 - (b) Upon receipt of the notification, the applicant shall provide to the APCO a proposed Offset package which contains evidence of Offsets eligible for use pursuant to the provisions of District Rule 1305.
 - (i) The APCO shall analyze the proposed Offset package to determine if an adjustment in the value of such Offsets is required pursuant to the provisions of District Rule 1305(C)(4). *[USEPA Memorandum of 8/26/94 “Response to Request for Guidance on Use of Pre 1990 ERCs and Adjusting for RACT at Time of Use.” See CARB Comment # 9 of 3/1/00.]*
 - (ii) The APCO shall disallow the use of any Offsets which were created by the shutdown of Emissions Unit(s) when: *[40 CFR 51.165(a)(3)(ii)(c)(1-2).]*

- a. The Offsets were created by a shutdown of Emissions Unit(s) which was not contemporaneous pursuant to District Rule 1309 with the creation of the Offsets; and [40 CFR 51.165(a)(3)(ii)(c)(1-2).]
- b. USEPA has disapproved the applicable implementation plan for the District or USEPA has made a finding of a failure to submit for the District of all or a portion of an applicable implementation plan. [40 CFR 51.165(a)(3)(ii)(c)(1-2). *Note: This only applies if USEPA has disapproved the SIP. If the SIP is disapproved it limits offset to SER's only.*]
- (iii) After determining that the Offsets are real, enforceable, surplus, permanent and quantifiable and after any permit modifications required pursuant to District Rules 1304, 1305 or 1309 have been made, the APCO shall approve the use of the Offsets subject to the approval of CARB and USEPA during the comment period required pursuant to subsection (D)(2) below. [42 U.S.C. §7503(a)(1)(A), FCAA §173(a)(1)(A)]

~~(d) — BANKING means the process of recognizing and certifying emission reductions and the registering transaction involving Emission Reduction Credits. [Moved to Proposed Rule 1301(L) “Banking” (Banked).]~~

(D) Permit Issuance Procedure

(1) Preliminary Decision

- (a) After the analysis has been completed, the APCO shall issue a preliminary decision as to whether the New Source Review Document should be approved, conditionally approved, or disapproved and whether ATC(s) should be issued to the new or Modified Facility. [40 CFR 51.161.]
- (b) The preliminary decision shall include :
 - (i) A succinct written analysis of the approval, conditional approval or denial; and [40 CFR 51.161(a).]
 - (ii) If approved or conditionally approved, proposed permit conditions for the ATC(s) or modified PTO(s) and the reasons for imposing such permit conditions. [40 CFR 51.161(a).]

- (2) **CARB, USEPA and Affected State Review** *[Section conforms with 40 CFR 70.8(b) and (c) to allow integration of NSR Documents into Title V permits in the future.]*
- (a) If the provisions of District Rule 1303(B) apply to the new or Modified Facility the APCO shall, concurrently with the publication required pursuant to subsection (D)(3) below, send a copy of the preliminary decision and any underlying analysis to CARB, USEPA and any Affected State. *[40 CFR 51.161(d).]*
 - (b) CARB, USEPA and any Affected State shall have thirty (30) days from the date of publication of the notice pursuant to subsection (D)(3) below to submit comments and recommendations regarding the preliminary decision. *[40 CFR 51.161(d).]*
 - (c) Upon receipt of any comments and/or recommendations from CARB USEPA and any Affected State the APCO shall either:
 - (i) Accept such comments and/or recommendations and modify the preliminary decision accordingly; or
 - (ii) Reject such comments and/or recommendations, notify CARB, USEPA, and/or the Affected State of the rejection and the reasons for such rejection.
 - (d) For applications containing an analysis of anticipated visibility impacts on a Class I Area, as defined in 40 CFR 51.301(o), pursuant to subsection (B)(1)(a)(iii) above, the APCO, upon receipt of any comments from USEPA or the Federal Land Manager of the affected Class I Area, shall:
 - (i) Accept such comments and/or recommendations and modify the preliminary decision accordingly; or
 - (ii) Reject such comments and/or recommendations, notify CARB, USEPA, and/or the Federal Land Manager of the affected Class I Area of the rejection and the reasons for such rejection. *[40 CFR 51.307(a)(3), 51.307(b)(2) and 51.307(c). Allows identification of facilities which may need P.S.D. review.]*
- (3) **Public Review and Comment** *[Section conforms with 40 CFR 70.7(h) to allow integration of NSR Documents into Title V permits in the future.]*

(a) **Publication of Notice** *[40 CFR 51.161(b)(3).]*

- (i) If the provisions of District Rule 1303(B) apply to the new or Modified Facility then, within ten (10) days of the issuance of the preliminary determination, the APCO shall:
 - a. Publish a notice in at least one newspaper of general circulation within the District; and *[40 CFR 51.161(b)(3).]*
 - b. Send a copy of the notice to all persons who have requested such notice and/or on a list of persons requesting notice of actions pursuant to this regulation generally on file with the Clerk of the Board for the District; and
 - c. Provide notice by other reasonable means, if such notice is necessary to assure fair and adequate notice to the public
- (ii) Such notice shall provide thirty (30) days from the date of the publication of the notice for the public to submit written comments on the preliminary decision and shall include: *[40 CFR 51.161(b)(1).]*
 - a. The name and location of the Facility, including the name and address of the applicant if different.
 - b. A statement indicating the availability, conclusions of the preliminary decision and a location where the public may obtain or inspect the preliminary decision and supporting documentation; and *[40 CFR 51.161(a) and 51.161(b)(1).]*
 - c. A brief description of the comment procedures and deadlines; and *[40 CFR 51.161(b)(1).]*
 - d. If the APCO has rejected comments regarding anticipated visibility impacts on a Class I Area, a notation of the availability of the reasons for such rejection. *[40 CFR 51.307(a)(3) and 51.307(b)(2).]*

(b) **Availability of Documents** *[40 CFR 51.161(b)(1).]*

- (i) If the provisions of District Rule 1303(B) apply to the new or Modified Facility, then at the time of publication of the notice required above the APCO shall make available for public inspection at the offices of the District or in another prominent place the following information:
 - a. The application and any other information submitted by the applicant; and
 - b. The preliminary decision to grant or deny the Authority to Construct, including any proposed permit conditions and the reasons therefore; and

- c. The supporting analysis for the preliminary decision.
 - (ii) Notwithstanding the above, the APCO is not required to release confidential information. Information shall be considered confidential when:
 - a. The information is a trade secret or otherwise confidential pursuant to California Government Code 6254.7(d) or 18 U.S.C. §1905; and
 - b. Such information is clearly marked or otherwise identified by the applicant as confidential.
- (c) The APCO shall accept all relevant comment(s) submitted to the District in writing during the thirty (30) day public comment period.
- (d) The APCO shall consider all written comments submitted by the public during the comment period.
- (e) The APCO shall keep a record of all written comments received during the public comment period and shall retain copies of such comments in the District files for the particular Facility.
- (f) If any changes are made to the preliminary decision as a result of comments received from the public, CARB, USEPA or any Affected State the APCO shall send a copy of the proposed changes to CARB and USEPA for review.
- (4) Final Action
 - (a) After the conclusion of the comment period and consideration of the comments, the APCO shall produce a final New Source Review Document
 - (b) Thereafter, the APCO shall take final action to issue, issue with conditions or decline to issue the New Source Review Document.
 - (i) Such final action shall take place no later than 180 days after the application has been determined to be complete.
 - (ii) The APCO shall not take final action to issue the New Source Review Document if either of the following occurs:
 - a. USEPA objects to such issuance in writing; or

- b. USEPA has determined, as evidenced by a notice published in the Federal Register, that the applicable implementation plan is not being adequately implemented in the nonattainment area in which the new or Modified Facility is located. *[42 U.S.C. §7503(a)(4), FCAA §173(a)(4).]*
 - (c) The APCO shall provide written notice of the final action to the applicant, USEPA and CARB.
 - (d) If substantive changes have been made to the preliminary determination or other New Source Review Documents after the opening of the public comment period, the APCO shall cause to be published a notice substantially similar in content to the notice required by subsection (D)(3)(a) above, in a newspaper of general circulation within the District of the final action.
 - (e) The final New Source Review Documents and all supporting documentation shall remain available for public inspection at the offices of the District.
- (5) Issuance of ATC(s)
 - (a) In conjunction with final action on the NSR Document the APCO shall issue ATC(s) for the new or Modified Facility pursuant to the provisions of District Regulation II. Such ATC(s) shall contain, at a minimum, the following conditions:
 - (i) All conditions regarding construction, operation and other matters as set forth in the NSR Document; and
 - (ii) If a new or Modified Facility is a replacement, in whole or in part, for an existing Facility or Emissions Unit on the same or contiguous property, a condition allowing one hundred eighty (180) days or another reasonable start up period as agreed to by the District, USEPA and CARB, for simultaneous operation of the new or Modified Facility and the existing Facility or Emissions Unit; and *[40 CFR 51.165(a)(1)(vi)(F); Moved from 1313(d).]*
 - (iii) A condition requiring the Facility to be operated in accordance with the conditions contained on the ATC(s);
 - (b) The APCO shall not issue ATC(s) to a new or Modified Facility pursuant to this regulation unless:

- (i) The new Facility or Modification to an existing Facility is constructed using BACT for each Nonattainment Air Pollutant when the provisions of Rule 1303(A) apply.
- (ii) Any increase in emissions for each Nonattainment Air Pollutant will be properly offset prior to Beginning Actual Construction when the provisions of Rule 1303(B) apply. *[40 CFR 51.165(a)(1)(xv)]*
- (iii) The applicant certifies in writing, prior to the issuance of any permit that all Facilities which are under the control of the same person (or persons under common control) in the State of California, are in compliance with all applicable emissions limitations and standards under the Federal Clean Air Act and the applicable implementation plan for the air district in which the Facility is located. *[40 CFR 51.160(a)(1) and 51.160(b)(2).]*
- (vi) The new or Modified Facility complies with all applicable Rules and Regulations of the District. *[40 CFR 51.160(b)(2), Moved and modified from 1303(b)(4).]*

(6) Issuance of PTO(s)

- (a) After the final action on the New Source Review Document pursuant to this Regulation and/or the issuance of ATC(s) pursuant to the provisions of District Regulation II, the APCO shall deny the subsequent issuance of PTO(s) unless the APCO determines that:
 - (i) If no ATC was issued, the owner or operator of the new or Modified Facility has complied with all applicable provisions of this Regulation including the provision of offsets if such were required. *[Moved and modified from Rule 1313(b).]*
 - (ii) The new or Modified Facility has been Constructed and operated in a manner consistent with the conditions as set forth in the NSR Document and the ATC(s); and
 - (iii) That the permit(s) of any Facility or Emissions Unit(s) which provided Offsets to the new or Modified Facility have been properly modified and/or valid contracts have been obtained pursuant to the provisions of District Rules 1304, 1305 or 1309. *[Moved from Rule 1313(b) Sentence 3]*
 - (vi) That the Offsets, if required pursuant to District Rule 1303(B), were real, permanent, quantifiable, enforceable and surplus prior to the commencement of construction of the Facility.

- (v) That all conditions contained in the ATC(s) requiring performance of particular acts or events by a date specified have occurred on or before such dates.
- (vi) If the actual emissions are greater than those calculated when the ATC was issued: *[Moved and modified from Rule 1313(c).]*
 - a. That the owner/operator has provided additional offsets to cover the difference between the amount of offsets originally provided and the amount of offsets necessary calculated pursuant to District Rule 1305 as based upon the actual emissions of the facility; and *[Moved and modified from Rule 1313(c).]*
 - b. That such additional offsets were provided within ninety (90) days of the owner/operator being notified by the APCO that such additional offsets are necessary. *[Moved and modified from Rule 1313(c).]*

- ~~(e) — BASIN means the South Coast Air Basin or the nonattainment Planning Area of the Riverside County portion of the Southeast Desert Air Basin (SEDAB), or the remaining portion of the Riverside County SEDAB area, or the Los Angeles County SEDAB area within the South Coast Air Quality Management District (District). The boundaries of each air basin shall be as defined by the California Air Resources Board. *[Term removed. AVAPCD located entirely within the Mojave Desert Air Basin (formerly SEDAB).]*~~
- ~~(f) — BEST AVAILABLE CONTROL TECHNOLOGY (BACT) means the most stringent emission limitation or control technique which: *[Moved to Proposed Rule 1301(N).]*~~
 - ~~(1) — has been achieved in practice for such category or class of source; or *[Moved to Proposed Rule 1301(N)(1).]*~~
 - ~~(2) — is contained in any state implementation plan (SIP) approved by the United States Environmental Protection Agency (EPA) for such category or class of source. A specific limitation or control technique shall not apply if the owner or operator of the proposed source demonstrates to the satisfaction of the Executive Officer or designee that such limitation or control technique is not presently achievable; or *[Moved to Proposed Rule 1301(N)(2).]*~~
 - ~~(3) — is any other emission limitation or control technique, found by the Executive Officer or designee to be technologically feasible for such class or category of sources or for a specific source, and cost-effective as compared to measures as listed in the Air Quality Management Plan (AQMP) or rules adopted by the District Governing Board. *[Moved to Proposed Rule 1301(N)(1).]*~~

- (g) ~~BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY means an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source. [Moved to Proposed Rule 1301(O).]~~
- (h) ~~COGENERATION PROJECT means a project which: [Moved to Proposed Rule 1301(R).]~~
- (1) ~~makes sequential use of exhaust steam, waste steam, heat or resultant energy from an industrial, commercial, or manufacturing plant or process for the generation of electricity; or [Moved to Proposed Rule 1301(R)(1).]~~
- (2) ~~makes sequential use of exhaust steam, waste steam, or heat from a thermal power plant, in an industrial, commercial, or manufacturing plant or process. [Moved to Proposed Rule 1301(R)(2)]~~
- For the purposes of this definition, the "industrial, commercial or manufacturing plant or process" shall not be a thermal power plant or portion thereof. A cogeneration project shall not consist of steam or heat developed solely for electrical power generation. To qualify as a cogeneration project, the processes listed in (1) and (2) above must meet the conditions specified in Public Resources Code Section 25134. *[Moved to Proposed Rule 1301(R)(3-5).]*
- (i) ~~EMISSION LIMITATION is a federally enforceable permit condition limiting emissions from a discrete operation, unit or other pollutant emitting source. [Moved to Proposed Rule 1301(Z) "Emission Limitation".]~~
- (j) ~~EMISSION REDUCTION CREDIT (ERC) means the amount of emissions reduction which is verified and determined to be eligible for credit at a facility in accordance with all District rules and regulations. An ERC represents final eligible emission reductions and may be used as such, in accordance with the provisions of Regulation XIII. [Moved to Proposed Rule 1301(W).]~~
- (k) ~~ESSENTIAL PUBLIC SERVICE includes: [Moved to Proposed Rule 1301(DD).]~~
- (1) ~~sewage treatment facilities, which are publicly owned or operated, and consistent with an approved regional growth plan; [Moved to Proposed Rule 1301(DD)(1).]~~
- (2) ~~prisons; [Moved to Proposed Rule 1301(DD)(2).]~~
- (3) ~~police facilities; [Moved to Proposed Rule 1301(DD)(3).]~~
- (4) ~~fire fighting facilities; [Moved to Proposed Rule 1301(DD)(4).]~~
- (5) ~~schools; [Moved to Proposed Rule 1301(DD)(5).]~~
- (6) ~~hospitals; [Moved to Proposed Rule 1301(DD)(6).]~~
- (7) ~~construction and operation of a landfill gas control or processing facility; [Moved to Proposed Rule 1301(DD)(7).]~~
- (8) ~~water delivery operations; and [Moved to Proposed Rule 1301(DD)(8).]~~
- (9) ~~public transit. [Moved to Proposed Rule 1301(DD)(9).]~~

~~(l) EXEMPT COMPOUNDS include any of the following compounds: [Moved to Proposed Rule 1301(ZZZ) "Volatile Organic Compounds" cross reference to 40 CFR 51.100(s)(1) .]~~

~~methylene chloride~~

~~trifluoromethane(HFC-23)~~

~~pentafluoroethane(HFC-125)~~

~~1,1,2,2-tetrafluoroethane (HFC-134)~~

~~tetrafluoroethane(HFC-134a)~~

~~1,1,1-trifluoroethane(HFC-143a)~~

~~1,1-difluoroethane(HFC-152a)~~

~~chlorodifluoromethane(HCFC-22)~~

~~dichlorotrifluoroethane(HCFC-123)~~

~~2-chloro-1,1,1,2-tetrafluoroethane(HCFC-124)~~

~~dichlorofluoroethane(HCFC-141b)~~

~~chlorodifluoroethane(HCFC-142b)~~

~~cyclic branched, or linear, completely fluorinated alkanes~~

~~cyclic branched, or linear, completely fluorinated ethers with no unsaturations~~

~~cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations~~

~~sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine~~

~~volatile methyl siloxanes~~

~~parachlorobenzotrifluoride~~

~~(m) FACILITY means any source or group of sources or other air contaminant-emitting activities which are located on one or more contiguous properties within the District, in actual physical contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or by persons under common control), or an outer continental shelf (OCS) source as determined in 40 CFR Section 55.2. Such above-described groups, if noncontiguous, but connected only by land carrying a pipeline, shall not be considered one facility. Sources or installations involved in crude oil and gas production in Southern California Coastal or OCS Waters and transport of such crude oil and gas in Southern California Coastal or OCS Waters shall be included in the same facility which is under the same ownership or use entitlement as the crude oil and gas production facility on-shore. [Moved to Proposed Rule 1301(FF). Provisions regarding OCS removed. AVAPCD jurisdiction does not contain coastal waters.]~~

~~(n) FEDERALLY ENFORCEABLE means all permit limitations and conditions which are enforceable by the EPA Administrator. [Moved to Proposed Rule 1301(GG).]~~

~~(o) MAJOR MODIFICATION means any modification, as specified in subdivision (s), at an existing major polluting facility that will cause; [Moved to Proposed Rule 1301(MM).]~~

- (1) ~~an increase of one pound per day or more, of the facility's potential to emit oxides of nitrogen (NO_x) or volatile organic compounds (VOCs), provided the facility is not located in the Southeast Desert Air Basin (SEDAB), or [Portion of definition removed. AVAPCD located wholly within Mojave Desert Air Basin (formerly SEDAB)].~~
- (2) ~~an increase of 40 tons per year or more, of the facility's potential to emit oxides of sulfur (SO_x), or [Moved to Proposed Rule 1301(TTT) "Significant", Table.]~~
- (3) ~~an increase of 15 tons per year or more, of the facility's potential to emit particulate matter with an aerodynamic diameter of less than or equal to a nominal ten microns (PM₁₀); or, [Moved to Proposed Rule 1301(TTT) "Significant", Table.]~~
- (4) ~~an increase of 100 tons per year or more, of the facility's potential to emit carbon monoxide (CO). [Moved to Proposed Rule 1301(TTT) "Significant", Table.]~~

~~For an existing major polluting facility located in the SEDAB, major modification means any modification that will cause an increase of 25 tons per year or more, of the facility's potential to emit NO_x or VOC; whereas the requirements for SO_x, PM₁₀, and CO are as specified above in paragraphs (o)(2), (o)(3), and (o)(4). [Moved to Proposed Rule 1301(TTT) "Significant", Table.]~~

~~(p) MAJOR POLLUTING FACILITY means any facility not located in the SEDAB which emits or has the potential to emit the following amounts or more: [Provision removed. AVAPCD wholly within Mojave Desert Air Basin (formerly SEDAB)]~~

Volatile Organic Compounds (VOC)	(10) tons per year
Nitrogen Oxides (NO_x)	(10) tons per year
Sulfur Oxides (SO_x)	(70) tons per year
Particulate Matter (PM₁₀)	(70) tons per year
Carbon Monoxide (CO)	(100) tons per year

~~For any facility located in the SEDAB, major polluting facility means any facility which emits or has the potential to emit the following amounts or more: [Moved to Proposed Rule 1301(LL) "Major Facility" and 1303(B)(1).]~~

Volatile Organic Compounds (VOC)	(25) tons per year
Nitrogen Oxides (NO_x)	(25) tons per year
Sulfur Oxides (SO_x)	(100) tons per year
Particulate Matter (PM₁₀)	(70) tons per year
Carbon Monoxide (CO)	(100) tons per year

~~(q) MOBILE SOURCE means a device by which any person or property may be propelled, moved, or drawn upon a roadway, stationary rails or tracks, waterways, or through the atmosphere, and which emits air contaminants. [Moved to Proposed Rule 1301(OO).]~~

- (r) ~~MODELING means using an air quality simulation model, based on specified assumptions and data, and which model is approved by the EPA and has been approved in writing by the Executive Officer or designee. [Moved to Proposed Rule 1301(PP).]~~
- (s) ~~MODIFICATION means any physical change in equipment, change in method of operation, or an addition to an existing facility, which may cause the issuance of air contaminants. Routine maintenance and/or repair shall not be considered a physical change. A change in the method of operation of equipment, unless previously limited by an enforceable permit condition, shall not include: [Moved to Proposed Rule 1301(QQ).]~~
- (1) ~~an increase in the production rate, unless such increase will cause the maximum design capacity of the equipment to be exceeded. [Moved to Proposed Rule 1301(QQ)(5).]~~
- (2) ~~an increase in the hours of operation. [Moved to Proposed Rule 1301(QQ)(4).]~~
- (3) ~~a change in operator of a facility. [Moved to Proposed Rule 1301(QQ)(2).]~~
- (t) ~~NEW SOURCE REVIEW (NSR) BALANCE means the sum of the emission increases, decreases, and offsets as listed in District records, and approved by the Executive Officer or designee that has been determined at a facility pursuant to the District's New Source Review rules since October 8, 1976 to December 7, 1995. Under no circumstances shall the New Source Review Balance be greater than the facility's potential to emit or less than zero. [Definition removed as unnecessary. All NSR Balances have been either banked or adjusted to zero prior to creation of AVAPCD. See 1301(c)(2).]~~
- (u) ~~NONATTAINMENT AIR CONTAMINANT means any air contaminant for which there is a national or state ambient air quality standard, or precursor to such air contaminant, which: [Moved to Proposed Rule 1301(VV) "Nonattainment Air Pollutant".]~~
- (1) ~~has been designated "nonattainment" pursuant to the California Air Resources Board in accordance with Section 39607 of California Health & Safety Code; or [Moved to Proposed Rule 1301(VV) "Nonattainment Air Pollutant".]~~
- (2) ~~has been designated "nonattainment" pursuant to final rulemaking by the EPA as published in the Federal Register. [Moved to Proposed Rule 1301(VV) "Nonattainment Air Pollutant".]~~
- (v) ~~OZONE DEPLETING COMPOUNDS (ODCs) are Class I substances identified in 40 CFR, Part 82, Appendix A, Subpart A, including, but not limited to the following compounds: [See Proposed Rule 1301(ZZZ) "Volatile Organic Compound"]~~
- ~~1,1,1-trichloroethane (methyl chloroform)~~
 - ~~trichlorotrifluoroethane (CFC-113)~~
 - ~~dichlorodifluoromethane (CFC-12)~~
 - ~~trichlorofluoromethane (CFC-11)~~
 - ~~dichlorotetrafluoroethane (CFC-114)~~
 - ~~chloropentafluoroethane (CFC-115)~~

- (w) ~~PERMANENT means that emission reductions used to offset emission increases are assured for the life of the corresponding increase, whether unlimited or limited in duration. [Moved to Proposed Rule 1301(AAA).]~~
- (x) ~~PERMIT UNIT means any article, machine, equipment, or other contrivance, or combination thereof, which may cause or control the issuance of air contaminants that is not exempt from permit requirements. [Moved to Proposed Rule 1301(CCC).]~~
- (y) ~~POTENTIAL TO EMIT means the amount of pollutants calculated (1) using a calendar monthly average, and, (2) on a pound-per-day basis from permit conditions which directly limit the emissions, or, when no such conditions are imposed, from: [Moved to Proposed Rule 1301(FFF).]~~
- (1) ~~the maximum rated capacity; and [Moved to Proposed Rule 1301(FFF).]~~
- (2) ~~the maximum daily hours of operation; and [Moved to Proposed Rule 1301(FFF).]~~
- (3) ~~the physical characteristics of the materials processed. [Moved to Proposed Rule 1301(FFF).]~~
- ~~Fugitive emissions associated with the source shall be included in the potential to emit. [Moved to Proposed Rule 1301(FFF).]~~
- (z) ~~PM₁₀ means particulate matter with aerodynamic diameter of less than or equal to a nominal 10 microns as measured by an applicable reference test method. [Moved to Proposed Rule 1301(EEE).]~~
- (aa) ~~PRECURSOR means a substance that, when released to the atmosphere, forms or causes to be formed or contributes to the formation of another or secondary air contaminant for which a national ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more national ambient air quality standards. Precursors and secondary pollutants include: [Moved to Proposed Rule 1301(GGG).]~~

<u>PRECURSORS</u>	<u>SECONDARY POLLUTANTS</u>
Volatile Organic Compounds (VOC)	a) photochemical oxidant (ozone)
	b) the organic fraction of suspended particulate matter
Nitrogen Oxides (NO _x)	a) nitrogen dioxide (NO ₂)
	b) the nitrate fraction of suspended particulate matter
	c) photochemical oxidant (ozone)

Sulfur Oxides (SO_x)

- a) ~~Sulfur dioxide (SO_2)~~
- b) ~~sulfates (SO_4)~~
- c) ~~the sulfate fraction of suspended particulate matter~~

(bb) ~~QUALIFYING FACILITY means a power generating facility which: [Definition removed, term not used in Regulation.]~~

- (1) ~~produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, geothermal resources, or any combination thereof; and [Definition removed, term not used in Regulation.]~~
- (2) ~~has a power production capacity which, together with any other facilities located at the same site, is not greater than 80 megawatts; and [Definition removed, term not used in Regulation.]~~
- (3) ~~is determined by the Federal Energy Regulatory Commission (FERC), by rule, to meet such requirements (including fuel use, fuel efficiency, and reliability) as the Commission may, by rule, prescribe; and [Definition removed, term not used in Regulation.]~~
- (4) ~~is owned by a person not primarily engaged in the generation or sale of electric power, other than electric power solely from cogeneration facilities or facilities meeting the provisions of subparagraphs (1) and (2). [Definition removed, term not used in Regulation.]~~

(cc) ~~QUANTIFIABLE EMISSIONS means that the emission reductions eligible for ERCs were calculated both before and after the reduction using the same method and averaging time. [Moved to Proposed Rule 1301(III) "Quantifiable".]~~

(dd) ~~RELOCATION means the removal of an existing source from one parcel of land in the District and installation on another parcel of land where the two parcels are not in actual physical contact and are not separated solely by a public roadway or other public right-of-way. [Moved to Proposed Rule 1301(QQ)(6) "Modification".]~~

(ee) ~~RESOURCE RECOVERY PROJECT means a project which uses municipal waste, refuse-derived, biomass-derived or other nonfossil fuels for useful energy generation within the same basin that the fuel was generated. [Definition removed, term not used in Regulation.]~~

(ff) ~~SMALL BUSINESS means for BACT determination purposes only, any business which meets all of the following criteria: [Definition removed as unnecessary. Prior exemption now provided by increase in offset threshold. See Proposed Rule 1303(B)(1).]~~

- (1) ~~the number of employees is 100 or less;~~
- (2) ~~the total gross annual receipts are \$2,000,000 or less;~~
- (3) ~~be privately held and not publicly traded;~~

- ~~(4) — not be a major stationary source;~~
- ~~(5) — be subject to Regulation XIII and not Rule 2005(RECLAIM); and [Provision removed. RECLAIM rescinded by AVAPCD Governing Board on 1/20/98.]~~
- ~~(6) — if legally affiliated with another business, the combined activities shall meet the above requirements.~~

~~A facility is a major stationary source if it is subject to Regulation XXX - Title V Permits based on subdivision (a) of Rule 3001 - Applicability or is a major polluting facility as determined in this regulation. [Provision removed. See Proposed Rule 1301(LL) "Major Facility".]~~

- ~~(gg) — SOURCE means any permitted individual unit, piece of equipment, article, machine, process, contrivance, or combination thereof, which may emit or control an air contaminant. This includes any permit unit at any non-RECLAIM facility and any device at a RECLAIM facility. [Term Removed. See Proposed Rule 1301(BB) "Emission Unit", 1301(FF) "Facility" and 1301(CCC) "Permit Unit"]~~
- ~~(hh) — SOUTHEAST DESERT AIR BASIN (SEDAB) means that portion of the air basin containing specific desert portions of Los Angeles, Riverside and San Bernardino counties, as defined in Title 17, California Code of Regulations, Section 60109, within the jurisdiction of the District. [Term removed. AVAPCD is wholly within the Mojave Desert Air Basin (formerly SEDAB).]~~
- ~~(ii) — VOLATILE ORGANIC COMPOUND (VOC) means any volatile compound of carbon, excluding acetone, methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, ODCs, ethane, HCFC-124, HFC-125, HFC-134, HFC-143a, HFC-152a and perfluorocarbons listed under 40 CFR 51.100 (s) and exempt compounds. [Moved to Proposed Rule 1301(ZZZ).]~~

[SIP: Submitted as amended _____ on _____; Approved 2/4/96, 61 FR 64291, 40 CFR 52.220(c)(240)(i)(A)(1); Conditionally Approved 6/9/82, 47 FR 25013, 40 CFR 52.220(c)(87)(v)(A); Conditionally Approved 1/21/81, 46 FR 5965, 40 CFR 52.220(c)(70)(i)(A)]

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